Reg No BG 202.

The Mysore Gazette

(PUBLISHED BY AUTHORITY)

(EXTRAORDINARY)

PART IV—1-B

BANGALORE MONDAY, DECEMBER 31, 1962
(PUSHYA 10, SAKA ERA 1884).

No 25

GOVERNMENT OF MYSORE

NOTIFICATION.

No Law 130 *LCA* 62, *Bangalore, dated* 29*th December* 1962

Ordered that the Defence of India Act, 1962 (51 of 1962), whi has been published in the *Gazette of India,* Extraordinary, Part I Section 1, dated the 12th December 1962, be republished in t *Mysore Gazette,* for general information

By Order and in the name of the Governor of Mysor

S SRIPADARAJ,
Under Secretary to Government,
Law Departmen

THE DEFENCE OF INDIA ACT, 1962 (51 OF 1962)

(Assented to on 12th December 1962)

ARRANGEMENT OF SECTIONS

ECTIONS

CHAPTER I

PRELIMINARY

1 Short title, extent, application, duration and savings
2 Definitions

CHAPTER II

EMERGENCY POWERS

3 Power to make rules
4 Special powers to control civilian personnel employed in connection with the Armed Forces of the Union
5 Enhanced penalties
6 Temporary amendments to Acts

CHAPTER III

CIVIL DEFENCE SERVICES

7 Constitution of Civil Defence Service
8 Appointment of members and officers
9 Dismissal of members of Civil Defence Service
10 Functions of members of Civil Defence Services
11 Penalty
12 Power to make rules

CHAPTER IV

SPECIAL TRIBUNALS

13 Constitution of Special Tribunals
14 Jurisdiction of Special Tribunals
15 Procedure of Special Tribunals
16 Exclusion of public from proceedings of Special Tribunals
17 Power of Special Tribunals
18 Sentences of Special Tribunals

CHAPTER V

EMPLOYMENT OF TECHNICAL PERSONNEL IN THE NATIONAL SERVICE

19 Definitions
20 Liability for employment in national service
21 National Service Tribunals
22 Notified establishments
23 Employment of technical personnel in the national service
24 Reinstatement
25 Relinquishment of employment by, dismissal of, and engagement establishment of, technical personnel
26 Penalties and procedure
27 Service of summons, notices, orders, etc
28 Power to make rules

CHAPTER VI

REQUISITIONING AND ACQUISITION OF IMMOVABLE PROPERTY

29 Requisitioning of immovable property
30 Payment of compensation
31 Power to obtain information and give direction
32 Power of entry into, and inspection of, property, etc
33 Eviction from requisitioned property
34 Penalty for contravention of any order regarding requisitioning
35 Release from requisition
36 Acquisition of requisitioned property
37 Compensation for acquisition of requisitioned property
38 Power to make rules
39 Certain properties requisitioned under previous law to be deemed to b requisitioned under this Chapter

CHAPTER VII

SUPPLEMENTAL

40 Power to delegate
41 Rules to be laid before Houses of Parliament
42 Jurisdiction of ordinary courts
43 Effect of Act and rules, etc, inconsistent with other enactments
44 Ordinary avocations of life to be interfered with as little as possible
45 Savings as to orders
46 Chapter III not to apply to measures taken for the protection of Armed Forces
47 Protection of action taken under the Act
48 Repeal and saving
49 Validation of certain requisitions

(*Assented to on 12th December 1962*)

THE DEFENCE OF INDIA ACT, 1962 (51 OF 1962)

AN

ACT

o provide for special measures to ensure the public safety and interest, the defence of India and civil defence and for the trial of certain offences and for matters connected therewith

WHEREAS the President has declared by Proclamation under clause (1) of cle 352 of the Constitution that a grave emergency exists whereby the rity of India is threatened by external aggression,

AND WHEREAS it is necessary to provide for special measures to ensure the blic safety and interest, the defence of India and civil defence and for the l of certain offences and for matters connected therewith,

BE it, therefore, enacted by Parliament in the Thirteenth Year of the public of India as follows —

CHAPTER I

PRELIMINARY

1 *Short title, extent, application, duration and savings* — (1) This Act be called the Defence of India Act, 1962

(2) It extends to the whole of India and it applies also—

(*a*) to citizens of India outside India,

(*b*) to persons in the service of the Government, wherever they may be,

(*c*) in respect of the regulation and discipline of the naval, military and air forces or any other armed forces of the Union, to members of, and persons attached to, employed with, or following, those forces, wherever they may be,

(*d*) to, and to persons on, ships and aircrafts registered in India, wherever they may be

(3) It shall remain in force during the period of operation of the Proclamation of Emergency issued on the 26th October, 1962, and for a period of months thereafter but its expiry under the operation of this sub-section not affect—

(*a*) the previous operation of, or anything duly done or suffered under, this Act or any rule made thereunder or any order made under any such rule, or

(*b*) any right, privilege, obligation or liability acquired, accrued or incurred under this Act or any rule made thereunder or any order made under any such rule, or

(*c*) any penalty, forfeiture or punishment incurred in respect of any offence under this Act or any contravention of any rule made under this

(*d*) any investigation, legal proceeding or remedy in respect o such right, privilege, obligation, liability, penalty, forfeiture or punish as aforesaid,

and any such investigation, legal proceeding or remedy may be instit continued or enforced and any such penalty, forfeiture or punishment ma imposed as if this Act had not expired

2 *Definitions*—In this Act, unless the context otherwise requires,-

(*a*) "civil defence" includes any measures not amounting to a combat, for affording defence against any form of hostile attack foreign power or for depriving any form of hostile attack by a foreign p of its effect either wholly or in part whether such measures are t before, during or after the time of the attack,

(*b*) "Civil Defence Services" mean the services formed wholl mainly to meet the needs of civil defence,

(*c*) "enemy" means—

(i) any person or country committing external aggression ag India,

(ii) any person belonging to a country committing such aggres

(iii) such other country as may be declared by the Ce Government to be assisting the country committing such aggres

(iv) any person belonging to such other country,

(*d*) "enemy territory" means—

(i) any area which is under the sovereignty of a country refe to in sub-clause (i), or a country referred to in sub-clause (iii) clause (*c*) of this section,

(ii) any area which the Central Government may, by notifica in the Official Gazette, specify to be enemy territory for the purp of this Act or any rule made thereunder,

(*e*) "military operations" mean the operations of the Armed Fo of the Union,

(*f*) "occupied territory" means any territory of India which is the time being in the occupation of a country referred to in sub-cl (i) or a country referred to in sub-clause (iii), of clause (*c*) of this secti

(*g*) "prescribed" means prescribed by rules made under this Act

(*h*) "Proclamation of Emergency" means the Proclamation iss under clause (1) of article 352 of the Constitution on the 26th October, 1

(*i*) "State Government" in relation to a Union territory means administrator thereof

CHAPTER II

Emergency Powers

3 *Power to make rules*—(1) The Central Government may, by noti

intenance of public order or the efficient conduct of military operations, maintaining supplies and services essential to the life of the community

) Without prejudice to the generality of the powers conferred by sub-(1), the rules may provide for, and may empower any authority to orders providing for, all or any of the following matters, namely —

(*1*) ensuring the safety and welfare of the Armed Forces of the Union, ips and aircrafts, and preventing the prosecution of any work likely to ejudice the operations of the Armed Forces of the Union,

(*2*) prohibiting anything likely to prejudice the training, discipline or ealth of the Armed Forces of the Union,

) preventing any attempt to tamper with the loyalty of persons in, or suade (otherwise than with advice given in good faith to the person ded for his benefit or that of any member of his family or any of his lents) persons from entering, the service of the Government,

) preventing or prohibiting anything likely to assist the enemy or to ice the successful conduct of military operations or civil defence ing—

(*a*) communications with the enemy or agents of the enemy,

(*b*) acquisition, possession without lawful authority or excuse and iblication of information likely to assist the enemy,

(*c*) contribution to, participation or assistance in, the floating of loans ised by or on behalf of the enemy,

(*d*) advance of money to, or contracts or commercial dealings with e enemy, enemy subjects or persons residing, carrying on business, or ing, in enemy territory or occupied territory, and

(*e*) acts, publications or communications prejudicial to civil defence military operations,

) preventing the spreading without lawful authority or excuse of reports prosecution of any purpose, likely to cause disaffection or alarm, or to ice India's relations with foreign powers or to prejudice maintenance ceful conditions in any area or part of India, or to promote feelings vill, enmity or hatred between different classes of the people of India,

) requiring the publications of news and information,

) (*a*) prohibiting the printing or publishing of any newspaper, news-book or other document containing matters prejudicial to the defence ia and civil defence, the public safety, the maintenance of public order, icient conduct of military operations or the maintenance of supplies and s essential to the life of the community,

) demanding security from any press used for the purpose of printing olishing, and forfeiting the copies of, any newspaper, news-sheet, book ei document containing any of the matters referred to in sub-clause (*a*),

) forfeiture of such security and the circumstances in which and thority by whom such forfeiture may be ordered,

l) closing down any press or any premises used for the purpose of print-publishing any newspaper, news-sheet, book or other document containing

(8) regulating the conduct of persons in respect of areas the cont which is considered necessary or expedient, and the removal of persons such areas,

(9) requiring any person or class of persons to comply with any s of defence or civil defence,

(10) ensuring the safety of—

(*a*) ports, dockyards, lighthouses, light-ships and aerodromes,

(*b*) railways, tramways, roads, bridges, canals and all other of transport by land or water,

(*c*) telegraphs, post offices, signalling apparatus and all other of communication,

(*d*) sources and systems of water-supply, works for the sup water, gas or electricity, and all other works for public purposes,

(*e*) vessels, aircraft, transport vehicles as defined in the Vehicles Act, 1939 (4 of 1939), and rolling stocks of railways and tram

(*f*) warehouses and all other places used or intended to be us storage purposes,

(*g*) mines, oil-fields, factories or industrial or commercial undert generally, or any mine, oil-field, factory or industrial or commercial taking in particular,

(*h*) laboratories and institutions where scientific or techno research or training is conducted or imparted,

(*i*) all works and structures being part of, or connected with thing earlier mentioned in this clause, and

(*j*) any other place or thing used or intended to be used f purposes of Government or a local authority or a semi-Governm autonomous organisation, the protection of which is considered nec or expedient for securing the defence of India and civil defence, the safety, the public order, or the efficient conduct of military ope or for maintaining supplies and services essential to the life community,

(11) the demolition, destruction or rendering useless in case of ne of any building or other premises or any other property,

(12) prohibiting or regulating traffic, and the use of vessels, buoys, and signals, in ports and territorial, tidal and inland waters,

(13) the control of lights and sounds,

(14) the control of persons entering, travelling in or departing India,

(15) notwithstanding anything in any other law for the time be force,—

(*i*) the apprehension and detention in custody of any person the authority empowered by the rules to apprehend or detain (the rity empowered to detain not being lower in rank than that of a D Magistrate) suspects, on grounds appearing to that authority reasonable, of being of hostile origin or of having acted, acting, about to act or being likely to act in a manner prejudicial to the d of India and civil defence, the security of the State, the public saf interest, the maintenance of public order, India's relations with f

States, the maintenance of peaceful conditions in any part or area of India or the efficient conduct of military operations, or with respect to whom that authority is satisfied that his apprehension and detention are necessary for the purpose of preventing him from acting in any such prejudicial manner,

(*ii*) the prohibition of such person from entering or residing or remaining in any area,

(*iii*) the compelling of such person to reside and remain in any area, or to do or abstain from doing anything, and

(*iv*) the review of orders of detention passed in pursuance of any rule made under sub-clause (*i*) ,

(16) restricting and regulating the charter of foreign vessels and aircraft ,

(17) regulating the structure and equipment of vessels for the purpose of ing the safety thereof and of persons therein ,

(18) regulating work in dockyards, shipyards and aerodromes in respect e construction and repairs of vessels and aircraft ,

(19) prohibiting or regulating the sailings of vessels from ports, traffic at omes and the movement of aircraft, and traffic on railways, tramways oads, and reserving and requiring to be adapted, for the use of the rnment, all or any accommodation in vessels, aircraft, railways, tramways, ad vehicles for the carriage of persons, animals or goods,

(20) the impressment of vessels, aircraft, vehicles, and animals for port ,

(21) prohibiting or regulating the use of postal, telegraphic or telephonic es, including the taking possession of such services, and the delaying, g, intercepting or interrupting of postal articles or telegraphic or telephonic ages ,

(22) regulating the delivery otherwise than by postal or telegraphic e of postal articles and telegrams ,

(23) the control of trade or industry for the purpose of regulating or asing the supply of, and the obtaining of information with regard to articles ings of any description whatsoever which may be used in connection the conduct of military operations or civil defence or for maintaining ies and services essential to the life of the community ,

(24) the control of generation, supply, distribution, use or consumption ectrical energy ,

(25) the taking over by the Central Government or the State Gov , for a limited period, of the management of any property (including an taking) relating to supplies and services essential to the life of th unity ,

(26) the control of agriculture (including the cultivation of agricultural and crops to be raised therein) for the purpose of increasing the production supply of foodgrains and other essential agricultural products ,

(27) the provision, storage and maintenance of commodities and things red for the conduct of military operations or for the defence of India and defence ,

(28) the requisition of services of persons for maintaining supplies and es essential to the life of the community

(29) the provision, construction maintenance or alteration of buildings, premises or other structures or excavations required for the conduct of military operations or the defence of India and civil defence,

(30) the protection of property by the performance of such fire prevention and other duties as may be allotted to any person,

(31) the securing of any building, premises or other structures from being readily recognisable in the event of a hostile attack by a foreign power,

(32) prohibiting, restricting or otherwise regulating the bringing into, or taking out of India of goods or articles of any description (including coin, bullion, bank notes, currency notes, securities and foreign exchange), and bringing into any part or place in India of any such goods or articles as aforesaid intended to be taken out of India without being removed from the ship, aircraft or other conveyance in which they are being carried, and applying the provisions of the Sea Customs Act, 1878 (8 of 1878) and in particular section 19 thereof to such prohibitions, restrictions and regulations,

(33) controlling the possession, use or disposal of, or dealing in, coin, bullion, bank notes, currency notes, securities or foreign exchange,

(34) the control of any road or pathway, waterway, ferry or bridge, river, canal or other source of water-supply,

(35) the requisitioning and acquisition of any movable property, and the principles on which and the manner in which compensation shall be determined and given in respect of such requisitioning or acquisition,

(36) the provision of any corrupt practice or abuse of authority or other *mala fide* action in relation to the production, storage, purchase, sale, supply or transport of goods for any purpose connected with the defence of India and civil defence, the efficient conduct of military operations or the maintenance of supplies and services essential to the life of the community

(37) the prevention of hoarding, profiteering, blackmarketing, or adulteration of, or any other unfair practices in relation to, any goods procured by or supplied to the Government or notified by or under the rules as essential to the life of the community,

(38) prohibiting or regulating the possession, use or disposal of—

(*a*) explosives, inflammable substances, corrosive and other dangerous substances or articles, arms and ammunitions of war

(*b*) vessels,

(*c*) wireless telegraphic apparatus,

(*d*) aircraft, and

(*e*) photographic and signalling apparatus and any means of recording information,

(39) prohibiting or regulating the bringing into, or taking out of, India and the possession, use or transmission of ciphers and other secret means of communicating information

(40) prohibiting or regulating the publication of inventions and designs,

(41) prohibiting or regulating the publication of results of research work having a bearing on efforts relating to defence of India or military operations

(42) preventing the disclosure of official secrets,

(44) preventing or controlling any use of uniforms, whether official or herwise, flags, official decorations like medals, badges and other insignia and ything similar thereto, where such use is calculated to deceive or to prejudice e public safety, the maintenance of public order, the defence of India and vil defence,

(45) ensuring the accuracy of any report or declaration legally required any person,

(46) preventing the unauthorised change of names,

(47) preventing anything likely to cause misapprehension in respect of e identity of any official person, official document or official property or in spect of the identity of any person, document or property purporting to be, resembling, an official person, official document or official property,

(48) the precautionary measures which the Government or any depart-ent thereof or any local authority, members of police forces and fire brigades nd members of any other service or authority employed primarily for purposes ther than civil defence purposes should be required to take within their spective jurisdictions or with respect to any personnel employed by them,

(49) the seizure and custody or destruction of injured, unclaimed or angerous animals

(50) the salvage of damaged buildings and property and disposal of the ead,

(51) the evacuation of areas and the removal of property or animals herefrom,

(52) the accommodation in any area of persons evacuated from another ea and the regulation of the conduct of evacuated persons accommodated in uch area,

(53) the billeting of evacuated persons or persons authorised to exercise unctions under this Act,

(54) the instruction of members of the public in civil defence and their quipment for purposes of civil defence,

(55) the entry into, and search of, any place reasonably suspected of being sed for any purpose prejudicial to the public safety or interest, to the defence f India and civil defence or to the efficient conduct of military operations, and or the seizure and disposal of anything found there and reasonably suspected f being used for such purpose,

(56) the preparation of any scheme of defence service or any other service onnected with the defence of India and requiring any person or class of persons o comply with such scheme

(57) the eviction of unauthorised occupants from such public premises as defined in the Public Premises (Eviction of Unauthorised Occupants) Act, 958 (32 of 1958)] as are, in the opinion of the Central Government, required or the purposes connected with the defence of India and civil defence, the ublic safety or interest, the efficient conduct of military operations or the maintenance of supplies and services essential to the life of the community

(3) The rules made under sub-section (1) may further—

(*a*) provide for the arrest and trial of persons contravening any of the rules or any order issued thereunder,

provisions of the rules or any order issued under any such provision, shall punishable with imprisonment for a term which may extend to seven years, with fine, or with both

(*iii*) provide for the seizure, detention and forfeiture of any proper in respect of which such contravention, attempt or abetment as is refer to in clause (*ii*) has been committed and for the adjudication of su forfeiture whether by a court or by any other authority

(*iv*) confer powers and impose duties—

(*a*) upon the Central Government or officers and authorities the Central Government as respects any matter, notwithstanding th the matter is one in respect of which the State Legislature has pow to make laws, and

(*b*) upon any State Government or officers and authorities of a State Government as respects any matter notwithstanding that t matter is one in respect of which the State Legislature has no pow to make laws,

(*v*) prescribe the duties and powers of public servants and oth persons as regards preventing the contravention of, or securing the obs vance of, the rules or any order made thereunder,

(*vi*) provide for preventing obstruction and deception of, and d obedience to, any person acting, and interference with any notice issu in pursuance of the rules or any order made thereunder,

(*vii*) prohibit attempts by any person to screen from punishment a one other than the husband or wife of such person, contravening any the rules or any order made thereunder,

(*viii*) empower or direct any authority to take such action as m be specified in the rules or as may seem necessary to such authority for t purpose of ensuring the public safety or interest or the defence of In and civil defence,

(*ix*) provide for charging fees in respect of the grant or issue of licence, permit, certificate or other document for the purposes of the rul

4 *Special powers to control civilian personnel employed in connecti with the Armed Forces of the Union*—The Central Government may, notification in the Official Gazette, direct by general or special order that a persons who not being members of the Armed Forces of the Union are attach to, or employed with, or following those Forces, shall be subject to nav military or air force law, and thereupon such persons shall be subject to discipl and liable to punishment for offences under the Navy Act, 1957 (62 of 195 the Army Act, 1950 (46 of 1950) and the Air Force Act, 1950 (45 of 1950), the case may be, as if they were included in such class of persons subject to a of those Acts as may be specified in the notification or in the absence there by an officer empowered by the Central Government in this behalf

5 *Enhanced penalties*—(1) If any person contravenes, with intent wage war against India or to assist any country committing external aggres against India, any provision of the rules made under section 3 or any or issued under any such rule he shall be punishable with death or imprisonm for life, or imprisonment for a term which may extend to ten years and s also be liable to fine

(2) If any person,—

(*a*) contravenes any such provision of, or any such rule or order made under the Aircraft Act, 1934 (22 of 1934), as may be notified in this behalf by the Central Government, or

(*b*) in any area notified in this behalf by a State Government, contravenes any such provision of, or any such rule made under the Arms Act, 1959 (54 of 1959), the Indian Explosives Act 1884 (4 of 1884), the Explosive Substances Act, 1908 (6 of 1908), or the Inflammable Substances Act, 1952 (20 of 1952), as may be notified in this behalf by the State Government,

shall, notwithstanding anything contained in any of the aforesaid Acts or rules made thereunder, be punishable with imprisonment for a term, which may extend to five years, or if his intention is to assist any country committing external aggression against India, or, to wage war against India, with death or imprisonment for life or imprisonment for a term which may extend to ten years and shall in either case also be liable to fine

(3) For the purposes of this section, any person who attempts to contravene, or abets or attempts to abet, or does any act preparatory to, a contravention of any provision of any law rule or order shall be deemed to have contravened that provision

6 *Temporary amendments to Acts*.—During the continuance in force of this Act,—

(1) the Indian Official Secrets Act, 1923 (19 of 1923) shall have effect as if—

(*a*) in sub-section (1) of section 5 thereof, after the words "in his possession or control", the words "any information likely to assist the enemy as defined in the Defence of India Act, 1962, or" had been inserted and after the words "in such a place," the words "or which relates to or is used in, a protected area as defined in the rules made under the Defence of India Act, 1962, or relates to anything in such area," had been inserted

(*b*) for sub-section (4) of section 5 thereof, the following sub-section had been substituted, namely —

"(4) A person guilty of an offence under this section shall be punishable with imprisonment for a term which may extend to five years, or if such offence is committed with intent to assist any country committing external aggression against India or to wage war against India, with death or imprisonment for life or imprisonment for a term which may extend to ten years and shall in either case also be liable to fine"

(*c*) after clause (*a*) of section 12 thereof, the following clause had been inserted, namely —

"(*aa*) an offence under section 5 shall be a cognizable and non-bailance offence,",

(2) the Aircraft Act, 1934 (22 of 1934) shall have effect as if—

(*a*) at the end of clause (r) of sub-section (2) of section 5 the following words had been inserted, namely —

"including the taking of steps necessary to secure compliance

matters, or, where any such rule has been contravened, to or to enable proceedings to be taken in respect of, such vention",

(*b*) in clause (*b*) of sub-section (1) of section 8, for the brackets, letters and figures "clause (*h*) or clause (*i*) of sub-(2) of section 5", the words, brackets, letters and figures "clau (*e*), (*h*), (*i*), (*k*) or (*l*) of sub-section (2) of section 5 or th mission of an offence punishable under section 11', had substituted,

(*c*) in section 11, after the words "in the air", the words such a manner as to interfere with any of the Armed Forces Union or any ships or aircraft" had been inserted

(*d*) in section 13, for the words, brackets, letters and "clause (*i*) of sub-section (2) of section 5" the words, brackets, and figures "clause (*c*), (*d*), (*e*), (*h*), (*i*), (*j*), or (*k*) of sub-(2) of section 5 or punishable under section 11' had been subst and

(*e*) section 14 had been omitted

(3) the Payment of Wages Act, 1936 (4 of 1936), shall hav as if after clause (*i*) of sub-section (2) of section 7 thereof, the fo clause had been inserted, namely —

"(*ii*) deductions made with the written authorisation of—

(*i*) the employed person, or

(*ii*) the president or secretary of the registered trad of which the employed person is a member on such condit may be prescribed,

for contribution to the National Defence Fund or to any Savings Scheme approved by the State Government,"

(4) the Motor Vehicles Act, 1939 (4 of 1939), (in this clause to as the "said Act") shall have effect subject to the following pro namely —

(*a*) the State Government may, by notification in the Gazette, authorise, subject to such conditions, if any, as it ma fit to impose, any person—

(*i*) also to perform such functions of the State Gove under Chapter IV (in this clause referred to as the Chapter") of the said Act, other than the making of rules be specified in the notification, and

(*ii*) to perform to the exclusion of the State Tr Authority or Regional Transport Authority, as the case r such functions of the State Transport Authority or any R Transport Authority under the said Chapter as may be s in the notification,

and the expression "proper authority" in this clause shall, in to the performance of any such function as aforesaid, be const accordance with the provisions of such notification if any, rel that function,

(*b*) notwithstanding anything to the contrary in sectio section 68 of the said Act, the words "authorised

or a temporary permit under the said Chapter to be effective for any specified period or for the period of operation of this Act, whichever is less,

(c) the State Government may, by general or special order, in writing provide that the proper authority,—

(i) in deciding to grant or refuse to grant a permit under the said Chapter, shall not be bound to take into consideration representations made by any persons other than the applicant for the permit or to follow the procedure laid down in section 57 of the said Act, and may take into consideration an application for a stage carriage permit or a public carrier's permit which has not complied with the provisions of sub-section (2) of that section,

(ii) in fixing the maximum and minimum fares or freights for stage carriages and public carriers, shall not be bound to give the representatives of the interests affected an opportunity of being heard or to follow the procedure laid down in section 43 of the said Act, or where such action is taken for the purpose of preventing the charge of excess fares or freights, to have regard to any of the considerations set forth in clauses (a) to (d) of sub-section (1) of that section,

(d) without prejudice to the provisions of section 60 of the said Act, the proper authority may, if in its opinion the public interest so requires, cancel, or modify the conditions of, or suspend for such period as it thinks fit, any permit or counter-signature under the said Chapter which is valid in its jurisdiction,

(e) the Central Government or the State Government may, by general or special order in writing, exempt from all or any of the provisions of the said Chapter any transport vehicle used or required for use in connection with any work or purpose declared by the Central Government or, as the case may be, the State Government in the order to be a work or purpose connected with the defence of India, the conduct of military operations or civil defence,

(f) if the State Government by general or special order in writing so directs, the provisions of sub-section (2) of section 38 of the said Act shall have effect in relation to any controlled motor vehicles specified in the order as if the words "not being in any case more than two years or less than six months'" had been omitted

Explanation—In this clause "controlled motor vehicle" means any motor vehicle declared by the Government to be a controlled motor vehicle by order made in this behalf

CHAPTER III

Civil Defence Services

Constitution of Civil Defence Service—(1) The State Government may itute for any area within the State a body of persons to be called the Defence Service and may appoint a person (hereinafter called the Director) mmand such body

(2) Subject to any orders which the Central Government may m this behalf, any member of a Civil Defence Service of any State may time be required to discharge functions in relation to civil defence in any State and shall while so discharging such functions be deemed to be a m of a Civil Defence Service of that other State and be vested with the p functions and privileges and be subject to the liabilities of a member of Defence Service of that other State

8 *Appointment of members and officers*—(1) Any authority aut in this behalf by the State Government may appoint as members of a Defence Service so many persons who are fit and willing to serve as s it is authorised by the State Government to appoint, and the Directo appoint any such member to any office or command in the Service

(2) Every person so appointed to be a member of a Civil Defence shall be given a certificate of membership in such form as may be prescr

9 *Dismissal of members of Civil Defence Service*—The Director other authority authorised in this behalf by the State Government m order in writing, dismiss summarily from a Civil Defence Service any m thereof if, in the opinion of the Director or such other authority, he discharge satisfactorily, or is guilty of misconduct in the discharge of, his as such member, or his continued presence in the Service is otl undesirable

10 *Functions of members of Civil Defence Services*—(1) The m of a Civil Defence Service shall perform such functions in relation to the ing out of measures for civil defence as may be assigned to them by rule under this Act or by any other law for the time being in force

(2) The Director or any person authorised in this behalf by the D or by the State Government may by order at any time call out a m of a Civil Defence Service for training or to discharge any such funct aforesaid

11 *Penalty*—If any member of a Civil Defence Service on being out by an order under sub-section (2) of section 10 neglects or refuse out sufficient excuse to obey such order or to discharge his function member of the Civil Defence Service or to obey any lawful order or d given to him for the performance of his duties, he shall, on conviction competent court, be punishable with fine which may extend to five h rupees

12 *Power to make rules*—(1) The Central Government may, by n tion in the Official Gazette, make rules for carrying out the purposes Chapter

(2) In particular, and without prejudice to the generality of the fo powers, such rules may—

(*a*) prescribe the duties of members of Civil Defence Servic regulate the manner in which they may be called out for service

(*b*) regulate the organisation, appointment, conditions of discipline, accoutrement, and clothing of members of any or all Civil Defence Services,

(*c*) prescribe the form of certificates of membership of any o

(*d*) provide that a contravention of, or an attempt to contravene, and abetment of or attempt to abet the contravention of, any of the provi- is of the rules or of any order issued under any such provision shall be ishable with imprisonment for a term which may extend to seven years, with fine, or with both ,

(e) provide for the arrest and trial of persons contravening, or sonably suspected of contravening, any of the provisions of the rules or any order issued under any such provision ,

(f) provide for the seizure, detention and forfeiture of any property in ject of which such contravention, attempt or abetment as is referred to clause (*d*) has been committed ,

(*g*) prescribe the duties and powers of public servants and other sons as regards preventing the contravention of, or securing the obser- ce of, the rules or of any order issued thereunder ,

(*h*) provide for preventing the obstruction and deception of, and obedience to, any person acting, and interference with any notice issued, pursuance of the rules or of any order issued thereunder ,

(*i*) prohibit attempts to screen from punishment any person contra- ing any of the rules

CHAPTER IV

Special Tribunals

Constitution of Special Tribunals—(1) The State Government may, whole or any part of the State, constitute one or more Special Tribunals h each of which shall consist of three members appointed by that nent

No person shall be appointed as a member of a Special Tribunal e—

(*a*) is qualified under clause (2) of article 217 of the Constitution for ointment as a Judge of a High Court , or

(*b*) has for a total period of not less than three years exercised, whether tinuously or not, the powers under the Code of Criminal Procedure, 1898 of 1898) (hereafter in this Chapter referred to as the Code) of any one more of the following, namely —

(*i*) Sessions Judge, Additional Sessions Judge, Chief Presidency Magistrate, Additional Chief Presidency Magistrate,

(*ii*) District Magistrate, Additional District Magistrate

At least one member of a Special Tribunal shall be qualified for nent thereto under clause (*a*) of sub-section (2), and where only one is so qualified under that clause, at least one other member shall be l for appointment under clause (*b*) of that sub-section by virtue of exercised powers exclusive of those specified in sub-clause (*ii*) of the se (*b*)

Jurisdiction of Special Tribunals—During the period during which the ation of Emergency is in operation, the State Government may, by or special order, direct that a Special Tribunal shall try any offence—

(*b*) punishable with death, imprisonment for life or imprisonmen a term which may extend to ten years under section 5 of this Act or u sub-section (4) of section 5 of the Indian Official Secrets Act, 1923 (1923), as amended by section 6 of this Act,

triable by any court having jurisdiction within the local limits of the jurisdi of the Special Tribunal and may in any such order direct the transfer to Special Tribunal of any particular case from any other Special Tribunal or other criminal court not being a High Court

15 *Procedure of Special Tribunals*—(1) A Special Tribunal may cognizance of offences without the accused being committed to it for trial

(2) Save in cases of trials of offences punishable with death or imprison for life or imprisonment for a term which may extend to five years or r it shall not be necessary in any trial for a Special Tribunal to take down evidence at length in writing, but the Special Tribunal shall cause a memo dum of the substance of what each witness deposes, to be taken down, such memorandum shall be signed by a member of the Special Tribunal shall form part of the record

(3) A Special Tribunal shall not be bound to adjourn any trial for purpose unless such adjournment is, in its opinion, necessary in the inte of justice

(4) A Special Tribunal shall not, merely by reason of a change in members, be bound to recall and to re-hear any witness who has given evid and it may act on the evidence already recorded by or produced before it

(5) After an accused person has once appeared before it, a Special Trib may try him in his absence if, in its opinion, his absence has been brought a by the accused himself for the purpose of impeding the course of justice if the behaviour of the accused in court has been such as in the opinion of Special Tribunal, to impede the course of justice

(6) In the event of any difference of opinion among the members Special Tribunal, the opinion of the majority shall prevail

(7) The State Government may, by notification in the Official Ga make rules providing for—

(*i*) the times and places at which Special Tribunals may sit, and

(*ii*) the procedure to be adopted in the event of any member Special Tribunal being prevented from attending throughout the trial of accused person

(8) A Special Tribunal shall, in all matters in respect to which no proce has been prescribed by this Act or by rules made thereunder, follow procedure prescribed by the Code for the trial of warrant cases by Magistrat

16 *Exclusion of public from proceedings of Special Tribunals*- addition, and without prejudice, to any powers which a Special Tribunal possess by virtue of any law for the time being in force to order the exclu of the public from any proceedings, if at any stage in the course of a trial of person before a Special Tribunal, application is made by the prosecution the ground that the publication of any evidence to be given or of any st ment to be made in the course of the trial would be prejudicial to the sa of the State, that all or any portion of the public shall be excluded during part of the hearing, the Special Tribunal may make an order to that ef

17 *Power of Special Tribunals*—A Special Tribunal shall have all the vers conferred by the Code on a Court of Session exercising original isdiction

18 *Sentences of Special Tribunals*—(1) A Special Tribunal may pass / sentence authorised by law

(2) A person sentenced by a Special Tribunal—

(*a*) to death or imprisonment for life, or

(*b*) to imprisonment for a term of five years or more,

under this Act or the rules made thereunder or under sub-section (4) of section 5 of the Indian Official Secrets Act, 1923 (10 of 1923), as amended by section 6 of this Act,

ll have a right of appeal to the High Court within whose jurisdiction the tence has been passed, but save as aforesaid and notwithstanding the pro- ions of the Code, or of any other law for the time being in force, or of /thing having the force of law by whatsoever authority made or done, re shall be no appeal from any order or sentence of a Special Tribunal, and court shall have authority to revise such order or sentence, or to transfer / case from a Special Tribunal, or to make any order under section 491 the Code, or have any jurisdiction of any kind in respect of any proceedings a Special Tribunal

(3) The powers conferred upon the appropriate Government by apter XXIX of the Code shall apply in respect of a person sentenced by Special Tribunal

CHAPTER V

Employment of technical personnel in the national service

19 *Definitions*—In this Chapter, unless the context otherwise requires,—

(*a*) "employment in the national service" means employment in a notified establishment in pursuance of an order passed under section 23,

(*b*) "employer" means any person who employs technical personnel to do any work in an establishment and includes any person entrusted with the supervision and control of technical personnel in such an establishment,

(*c*) "establishment" means—

(*i*) any office, or

(*ii*) any place where any industry, trade, business or occupation is carried on, and includes any technical institution or training centre established, selected or approved by the Central Government

(*d*) "National Service Tribunal" means a Tribunal constituted under section 21,

(*e*) "notified establishment" means any Government establishment and any establishment declared by notification under sub-section (1) of section 22 to be engaged in work of national importance,

(*f*) "notified occupation" means any occupation which the Central Government may, by rules made under this Chapter, specify as a notified

(*g*) "technical personnel" means all persons who possess knowled of or skill in one or more of the notified occupations, whether or n they are employed in any establishment, and includes such persons class of persons undergoing training in any of those occupations in a establishment as may be declared by the Central Government by notific tion in the Official Gazette to be technical personnel for the purposes this Chapter

20 *Liability for employment in national service*—All technical personn being citizens of India and not being members of the Armed Forces of t Union or members of any Reserve of any such Force who are liable, unc the terms of their service in such Reserve, to be called up for service at a time and not only on partial or general mobilisation, shall be liable under t Chapter to undertake employment in the national service

21 *National Service Tribunals*—(1) The Central Government sh constitute, for such areas and in such places as it thinks fit, National Serv Tribunals to exercise the functions assigned to such tribunals by or under t Chapter

(2) The composition, powers and procedure of National Service Tribun shall be such as may be prescribed

22 *Notified Establishments*—(1) The Central Government may, notification in the Official Gazette, declare any establishment, which is engag in work which, in the opinion of the Central Government, is likely to ass the defence of India and civil defence, the efficient conduct of military ope tions, or the maintenance or increase of supplies and services essential to life of the community, to be an establishment engaged in work of natio importance and thereupon such establishment shall be notified establi ment and while making such declaration, the Central Government may requ that establishment to make such provisions as may be specified in the not cation in regard to the terms of service and conditions of work of its employe

(2) Every notified establishment shall be eligible to apply to a Natio Service Tribunal or to the Central Government for technical personnel a having so applied, shall take into its employment such technical personnel wit such period and on such terms and conditions as may be prescribed

23 *Employment of technical personnel in the national service*—(1) S ject to any rules made in this behalf under this Chapter, the Central Gove ment may require a National Service Tribunal to report what technical person whether employed in an establishment or not, is available within its jurisdict for employment in the national service and may, by order in writing,—

(*a*) require the employer in any establishment by which such techn personnel is employed to release such personnel as may be specified in order, for employment in the national service,

(*b*) direct any technical personnel to undertake such employmen the national service as may be specified in the order,

(*c*) direct that any technical personnel engaged in any establishm under conditions not amounting to employment in the national ser shall, for the purposes of sub-section (8), be deemed to have been ta into employment in the national service, and

(*d*) require any notified establishment, notwithstanding that it not made any application under section 22, to take into its employn

such technical personnel within such period as may be specified in the order

(2) Notwithstanding anything in sub-section (1), a National Service Tribunal may—

(*a*) exercise the powers conferred on the Central Government by clauses (*a*) and (*b*) of sub-section (1),

(*b*) require by order any employer to give training in his establishment to persons for qualifying them as technical personnel,

(*c*) direct by order technical personnel to present themselves at such place and time as may be specified in the order for interview or inquiry, and if so required, for submission to a test of their technical skill

(3) Any order made by the Central Government under sub-section (1) or by a National Service Tribunal under sub-section (2) shall be complied with within such period or on such date as may be specified in this behalf in the order

(4) The Central Government or, as the case may be, a National Service Tribunal, may, by order in writing, transfer technical personnel from one form or place of employment in the national service to another, and the employer of the personnel concerned shall comply with such order

(5) No person included in the definition of technical personnel, who has been directed to undertake employment in the national service or transferred from one form or place of employment to another under the foregoing provisions, shall be discharged from or leave his employment in such service unless the employer or person concerned has previously obtained the permission of the Central Government or, as the case may be, of the National Service Tribunal

(6) Any person included in the definition of technical personnel who is required to undertake employment in the national service or transferred from one form of place of employment to another under the foregoing provisions of this section, may be required by the Central Government, or, as the case may be, the National Service Tribunal concerned, to submit himself to be examined by such medical authority as may be prescribed

(7) An appeal shall lie to the Central Government against any order passed by a National Service Tribunal under this section and the decision of the Central Government shall be final

(8) The terms of service of technical personnel taken into employment in the national service shall be such as may be prescribed

Provided that any rights which such technical personnel may have under the provident or superannuation fund or other scheme relating to gratuity, bonus or other benefit for the advantage of employees maintained by the establishment from which they are released shall be preserved

24 *Reinstatement*—(1) Every person who was employed in an establishment immediately before his employment in the national service and whose employment in the national service has not been terminated by dismissal for serious misconduct shall, on his release from such employment in the national service, be entitled to be reinstated in his former employment, in accordance with such conditions as may be prescribed

Provided that in determining such conditions regard shall be had to the additional skill and experience acquired by him in the course of his employment in the national service

(2) The Central Government may by rules made in this behalf pro for the appointment of Technical Personnel (Reinstatement) Tribunals to with such matters in relation to reinstatement of persons released from emp ment in the national service as may be prescribed

25 *Relinquishment of employment by, dismissal of, and engagemen establishment of, technical personnel*—(1) Subject to any rules made in behalf, a National Service Tribunal may require any establishment (incl a notified establishment) to post before a specified date and to keep po on its premises notices intimating that—

(*a*) no person included within the definition of technical pers who is employed in the establishment shall at any time after the po of the notice, leave his employment without the previous permissi writing of the National Service Tribunal,

(*b*) if the National Service Tribunal refuses such permission, Tribunal may lay down, subject to the prescribed conditions, the of service on which the employer shall continue to retain him in em ment,

(*c*) if any such person leaves his employment without the pre permission in writing of the Tribunal as aforesaid he may be directe the Tribunal to return to his employment

(2) After notices referred to in sub-section (1) have been posted o premises of any establishment (including a notified establishment) employer in the establishment shall engage, discharge or dismiss any p included in the definition of technical personnel except in accordance with made in this behalf

26 *Penalties and procedure*—(1) Whoever contravenes any order Central Government or of a National Service Tribunal made under secti or wilfully fails to comply with any summons, requirement, direction or issued or made by the Central Government or by a National Service Tri under any other provision of this Chapter, shall be punishable with imprison for a term not exceeding six months, or with fine not exceeding one tho rupees, or with both

(2) No court shall take cognizance of any offence punishable unde section (1) except with the previous sanction in writing,—

(*a*) in the case of contravention of any order or any wilful fail comply with any summons, requirement or direction of the Central G ment, of the Central Government,

(*b*) in the case of contravention of any order or any wilful fail comply with any summons, requirement or direction of a National S Tribunal, of the National Service Tribunal

(3) Notwithstanding anything contained in the Code of Criminal Proc 1898 (5 of 1898), an offence punishable under sub-section (1) shall be cogn

(4) No court inferior to a Presidency Magistrate or a Magistrate First Class shall try any offence punishable under sub-section (1)

27 *Service of summons, notices, orders, etc*—Any summons, requirement, direction or order issued, made or given to any person und Chapter may be served by being sent by registered post addressed t person at his last known residence

28 *Power to make rules*—(1) The Central Government may, by notifica- in the Official Gazette, make rules for carrying out the purposes of this ter

(2) Without prejudice to the generality of the foregoing power, such rules prescribe—

(*a*) the occupations which shall be notified occupations for the purposes of this Chapter,

(*b*) the composition, powers and procedure of National Service Tribunals,

(*c*) the technical personnel, which may be taken into the employment of any notified establishment under sub-section (2) of section 22 and the period within which and the terms and conditions on which such personnel shall be so taken,

(*d*) the medical authority before whom any person may be required to submit himself for examination under sub-section (6) of section 23,

(*e*) the terms of service of technical personnel taken into employment in the national service,

(*f*) the conditions in accordance with which persons released from employment in the national service may be reinstated in their former employment,

(*g*) the appointment of Technical Personnel (Reinstatement) Tribunals and the matters in relation to reinstatement which such Tribunals may be required to deal with,

(*h*) the provisions relating to engagement, discharge or dismissal of persons by any employer in any establishment on the premises of which notices have been posted under sub-section (1) of section 25,

(*i*) any other matter which may be prescribed or which is to be provided for by rules

(3) Any rule made under this Chapter may provide that a contravention the rule shall be punishable with imprisonment for a term not exceeding months, or with fine not exceeding one thousand rupees, or with both

CHAPTER VI

Requisitioning and acquisition of immovable property

29 *Requisitioning of immovable property*—(1) Notwithstanding anything tained in any other law for the time being in force, if in the opinion of the ntral Government or the State Government it is necessary or expedient so to for securing the defence of India, civil defence, public safety, maintenance public order or efficient conduct of military operations, or for maintaining plies and services essential to the life of the community, that Government y by order in writing requisition any immovable property and may make h further orders as appear to that Government to be necessary or expedient connection with the requisitioning

Provided that no property or part thereof which is exclusively used by the

(2) The requisition shall be effected by an order in writing addresse the person deemed by the Central Government or the State Governmen the case may be, to be the owner or person in possession of the property. such order shall be served in the prescribed manner on the person to whom addressed

(3) Whenever any property is requisitioned under sub-section (1) period of such requisition shall not extend beyond the period for which property is required for any of the purposes mentioned in that sub-section

30 *Payment of compensation*—Whenever in pursuance of section 2 Central Government or the State Government, as the case may be, requisi any immovable property, there shall be paid to the persons interested com sation the amount of which shall be determined by taking into consideratio following, namely —

(i) the rent payable in respect of the property or if no rent is pay the rent payable in respect of similar property in the locality,

(ii) if in consequence of the requisition of the property the p interested is compelled to change his residence or place of business reasonable expenses (if any) incidental to such change

(iii) such sum or sums, if any, as may be found necessary to compe the person interested for damage caused to the property on entry requisition or during the period of requisition, other than normal and tear

Provided that where any person interested being aggrieved by amount of compensation so determined makes an application within prescribed time to the Central Government or the State Governmen the case may be, for referring the matter to an arbitrator, the amou compensation to be paid shall be such as the arbitrator appointed in behalf by the Central Government or the State Government, as the may be, may determine

Provided further that where there is any dispute as to the per receive the compensation or as to the apportionment of the amou compensation, it shall be referred to an arbitrator appointed in this b by the Central Government or the State Government, as the case ma for determination, and shall be determined in accordance with the dec of such arbitrator

Explanation—In this section and in section 37, the expression "p interested" in relation to any property includes all persons claimin entitled to claim an interest in the compensation payable on account of requisitioning or acquisition of that property under this Act

31 *Power to obtain information and give direction*—The Central Go ment or the State Government, as the case may be, may, with a view to req tioning any property under section 29 or determining the compensation pay under section 30, by order—

(*a*) require any person to furnish to the authority mentioned th such information in his possession relating to any property as ma specified,

(*b*) direct that the owner, occupier or the person in possession of property shall not, without the permission of Government, dispose of where it is a building, structurally alter it till the expiry of such perio

32 *Power of entry into, and inspection of, property, etc.*—Any person ıorised in this behalf by the Central Government or the State Government, :he case may be, may enter into any immovable property and inspect ı property for the purpose of determining whether, and if so in t manner, an order under section 29 should be made in relation to such ɔerty or with a view to securing compliance with any order made under : section

33 *Eviction from requisitioned property*—(1) Any person remaining in ession of any requisitioned property in contravention of any order made er section 29 may be summarily evicted from the property by any officer owered in this behalf by the Central Government or the State Government, he case may be

(2) Any officer so empowered may, after giving to any woman not appear- in public reasonable warning and facilities to withdraw, remove or open lock or bolt or break open any door of any building or do any other act ssary for effecting such eviction

34 *Penalty for contravention of any order regarding requisitioning*— ny person contravenes any order made under section 29 or section 31, he l be punishable with imprisonment for a term which may extend to one , or with fine, or with both

35 *Release from requisition*—(1) Where any property requisitioned under ion 29 is to be released from such requisition, the Government by which or er whose authority the property was requisitioned or any person generally pecially authorised by it in this behalf may, after such inquiry, if any, , or he may in any case, consider necessary to make or cause to be made, ify by order in writing the person to whom possession of the property l be given and such possession shall, as far as practicable, be given to the on who appears to the Government or, as the case may be, the person ıorised as aforesaid, to be entitled to the possession of the property at the : such order is made

(2) The delivery of possession of the property to the person specified in order under sub-section (1) shall be a full discharge of the Government from iabilities in respect of the property, but shall not prejudice any rights espect of the property which any person may be entitled by due process of to enforce against the person to whom possession of the property is veied

36 *Acquisition of requisitioned property*—(1) Any immovable property h has been requisitioned under section 29 may, in the manner hereinafter ided, be acquired in the circumstances and by the Government specified w namely —

(*a*) where any works have, during the period of requisition, been constructed on, in or over the property wholly or partly at the expense of any Government, the property may be acquired by that Government if it decides that the value of or the right to use, such works shall, by means of the acquisition of the property, be preserved or secured for the purposes of any Government, or

(*b*) where the cost to any Government of restoring the property to its condition at the time of its requisition as aforesaid would, in the determination of that Government, be excessive having regard to the value of the

(2) When any Government as aforesaid decides to acquire any immova property, it shall serve on the owner thereof or where the owner is not reac traceable or the ownership is in dispute, by publishing in the Official Gaze a notice stating that the Government has decided to acquire it in pursua of this section

(3) Where a notice of acquisition is served on the owner of the prope or is published in the Official Gazette under sub-section (2), then, at beginning of the day on which the notice is so served or published, the prope shall vest in the Government free from any mortgage, pledge, lien or ot similar encumbrances and the period of requisition thereof shall come an end

(4) Any decision or determination of a Government under sub-section shall be final, and shall not be called in question in any court

(5) For the purposes of this section, "works" includes every descript of buildings, structures and improvements of the property

37 *Compensation for acquisition of requisitioned property*—(1) compensation payable for the acquisition of any property under section shall be—

(*a*) the price which the requisitioned property would have fetc in the open market if it had remained in the same condition as it was at time of requisitioning and been sold on the date of acquisition, or

(*b*) twice the price which the requisitioned property would h fetched in the open market if it had been sold on the date of requisition,

whichever is less

(2) Where any person interested is aggrieved by the amount of comp sation determined in accordance with sub-section (1), he may make an ap cation within the prescribed time to the Central Government or the S Government, as the case may be, for referring the matter to an arbitr appointed in this behalf by the Central Government or the State Governm and the amount of compensation to be paid shall be such as may be determ by the arbitrator in accordance with sub-section (1)

(3) The provisions of section 31 and section 32 shall apply in relation the acquisition of any property or the determination of compensation for acquisition as they apply in relation to the requisitioning of any property the determination of compensation for such requisitioning

(4) Where there is any dispute as to the title to receive the compensa or as to the apportionment of the amount of compensation, it shall be refe to an arbitrator appointed in this behalf by the Central Government or State Government, as the case may be, for determination, and his deci thereon shall be final

38 *Power to make rules*—(1) The Central Government or the S Government, as the case may be, may by notification in the Official Ga make rules for carrying out the purposes of this Chapter

(2) In particular, and without prejudice to the generality of the foreg powers, such rules may prescribe—

(*a*) the procedure to be followed in arbitration proceedings u this Chapter,

(*b*) the period within which the owner of any property or any other person interested in the amount of compensation may apply to the Government concerned for referring the matter to an arbitrator,

(*c*) the principles to be followed in apportioning the costs of proceedings before the arbitrator,

(*d*) the method of payment of compensation,

(*e*) the manner of service of notices and orders,

(*f*) any other matter which has to be, or may be prescribed

39 *Certain properties requisitioned under previous law to be deemed to requisitioned under this Chapter*—Any property referred to in sub-section (2) section 24 of the Requisitioning and Acquisition of Immovable Property ;, 1952 (30 of 1952),which continued, immediately before the commencement that Act, to be subject to requisition under the Requisitioned Land (Continance of Powers) Act, 1947 (17 of 1947), and has not, immediately before commencement of this Act, been released from requisitioning shall, notwithstanding anything contained in any other law for the time being in force in any judgement, decree or order of any court, be deemed to be the property uisitioned under sub-section (1) of section 29 if such property is, in the nion of the Central Government, now required for any of the purposes cified in that sub-section

Provided that—

(*a*) all agreements or awards for the payment of compensation in respect of any such property for any period of requisition before the commencement of this Act and in force immediately before such commencement, shall continue to be in force and shall apply to the payment of compensation in respect of that property for any period after such commencement,

(*b*) anything done or any action taken (including any orders, notifications or rules made or issued) under the Requisitioning and Acquisition of Immovable Property Act, 1952 (30 of 1952), or under the Requisitioned Land (Continuance of Powers) Act, 1947 (17 of 1947), and continued under the first-mentioned Act, shall, in so far as it is not inconsistent with the provisions of this Chapter or any rules or orders made thereunder, be deemed to have been done or taken under this Chapter

CHAPTER VII

SUPPLEMENTAL

40 *Power to delegate*—(1) The Central Government may, by order, ct that any power or duty which by this Act or by any rule made under Act is conferred or imposed upon the Central Government shall, in such imstances and under such conditions, if any, as may be specified in the ction, be exercised or discharged also—

(*a*) by any officer or authority subordinate to the Central Government, or

(*b*) whether or not the power or duty relates to a matter with respect to which a State Legislature has power to make laws, by any State Government or by any officer or authority subordinate to such Government, or

(*c*) by any other authority

(2) The State Government may, by order, direct that any power o which by this Act or by any rule made under this Act is conferred or in on the State Government or which, being by this Act or any such rule co or imposed on the Central Government, has been directed under sub-sect to be exercised or discharged by the State Government, shall, in such c stances and under such conditions, if any, as may be specified in the direct exercised or discharged by any officer or authority not being (except case of a Union territory) an officer or authority subordinate to the C Government

41 *Rules to be laid before Houses of Parliament*—Every rule m the Central Government under this Act shall be laid, as soon as may b it is made, before each House of Parliament while it is in session for a period of thirty days which may be comprised in one session or in two o successive sessions, and if before the expiry of the session in which it is or the successive sessions aforesaid, both Houses agree in making any fication in the rule or both Houses agree that the rule should not be the rule shall thereafter have effect only in such modified form or be of no as the case may be, so however that any such modification or annulmer be without prejudice to the validity of anything previously done under th

42 *Jurisdiction of ordinary courts*—(1) Except as may be provi this Act or in any rule made thereunder or in any order made under an rule by the Central Government or the State Government or by an offi below the rank of Collector empowered under sub-section (1) or sub-sect of section 40 to make such order, the ordinary criminal and civil cour continue to exercise jurisdiction

(2) For the removal of doubts, it is hereby declared that any pr in any such rule or order as aforesaid to the effect that the decision authority not being a court shall be final or conclusive shall be a su excepting provision within the meaning of sub-section (1)

43 *Effect of Act and rules, etc, inconsistent with other enactments* provisions of this Act or any rule made thereunder or any order made any such rule shall have effect notwithstanding anything inconsistent th contained in any enactment other than this Act or in any instrument effect by virtue of any enactment other than this Act

44 *Ordinary avocations of life to be interfered with as little as pos* Any authority or person acting in pursuance of this Act shall interfere w ordinary avocations of life and the enjoyment of property as little as consonant with the purpose of ensuring the public safety and interest defence of India and civil defence

45 *Savings as to orders*—(1) No order made in exercise of any conferred by or under this Act shall be called in question in any court

(2) Where an order purports to have been made and signed authority in exercise of any power conferred by or under this Act, a cou within the meaning of the Indian Evidence Act, 1872 (1 of 1872), that such order was so made by that authority

46 *Chapter III not to apply to measures taken for the protection of Forces*—Unless otherwise expressly provided in any rules or orders mad Chapter III, nothing contained in that Chapter or any such rules or orde

uthorities in control of the Armed Forces for the purpose of securing the ce or safety of such forces or for the protection of any naval, military or rce installations or stores

7 *Protection of action taken under the Act*—(1) No suit, prosecution ıer legal proceeding shall lie against any person for anything which is in faith done or intended to be done in pursuance of this Act or any rules thereunder or any orders issued under any such rule

2) Save as otherwise expressly provided under this Act, no suit or other ıroceeding shall lie against the Government for any damage caused or to be caused by anything in good faith done or intended to be done in ance of this Act or any rule made thereunder or any order issued any such rule

3 *Repeal and saving*—(1) The Defence of India Ordinance, 1962 (4 of and the Defence of India (Amendment) Ordinance, 1962 (6 of 1962), reby repealed

2) Notwithstanding such repeal, any rules made, anything done or any taken under the Defence of India Ordinance, 1962 (4 of 1962), as ed by the Defence of India (Amendment) Ordinance, 1962 (6 of 1962), e deemed to have been made, done or taken under this Act as if this Act mmenced on the 26th October, 1962

Validation of certain requisitions—All property, immovable or movable ting to have been requisitioned under the Defence of India Ordinance, 4 of 1962)", on or after the 26th October, 1962 and before the coming rce of the relevant provisions of that Ordinance or the Defence of India 1962 made thereunder, shall be deemed to have been validly requi- d, as if that Ordinance and those rules had been in force on and from th October, 1962 and accordingly, the provisions of this Act and those all apply to and in relation to such requisition

R C S SARKAR,
Secretary to the Government of India

by the Director of Printing, Stationery and Publications at the Govt Press, Bangalore